IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10144 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE S.R.BRAHMBHATT

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KASHYAPKUMAR SURYAKANTBHAI SHAH

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 10144 of 2005

MR NIRZAR S DESAI for Petitioner No. 1

MR M.A.SHAIKH, learned Central Govt. Counsel for Respondent No. 1

RULE SERVED BY DS for Respondent No. 1,2

CORAM : HON'BLE MR.JUSTICE S.R.BRAHMBHATT

Date of decision: 09/06/2005

ORAL JUDGEMENT

1. Rule. Mr.M.A.Shaikh, learned Central Govt.Counsel

waives service of rule on behalf of the respondent. Having regard to the facts of the case the petition is finally heard today.

2. The petitioner has preferred this petition under Article 226 of the Constitution of India, whereby, he seeks direction against the respondent authority, to carry out necessary change in the place of birth of the petitioner in the Passport, on the basis of the document placed at Annexure-A to the petition.

3. Learned Counsel appearing for the respondent authority submits that no error has been committed by the respondent authority and that the place of birth mentioned in the passport was in accordance with the representation made by the petitioner.

4. Looking to the facts and circumstances of the case, the respondent authority is directed to carry out necessary change in the place of birth of the petitioner in the Passport, after verifying the genuineness and the correctness of the document/s which may be produced before it. As the error has been committed by the petitioner, the petitioner is directed to deposit Rs.5,000=00 (Rs Five Thousand Only) as costs, with the respondent authority.

5. The present petition is, accordingly, allowed. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(S.R.BRAHMBHATT, J.)

09.06.2005
amit